

REMARKS:

Claims 21-25, 30, 33, and 70-75 are currently pending in the application. Claims 1-20, 26-29, 31, 32, and 34-69 have been previously withdrawn and/or cancelled. Claims 21-25, 30, 33, and 70-75 are hereby cancelled. The Applicant hereby reserves the right to pursue all cancelled and/or withdrawn claims in continuation and/or divisional applications.

New Claims 76-92 are hereby added.

The Applicant submits that no new matter has been added to the application by this Amendment.

Claim Rejections:

Because Claims 21-25, 30, 33, and 70-75 are hereby cancelled, the Applicant submits that all of the Examiner's rejections and objections, from both the Non-Final Office Action mailed on 20 October 2006 and the Non-Final Office Action mailed on 8 June 2007, are now moot.

The Applicant reiterates here all of the arguments and remarks that Applicant has previously set forth which distinguish the Applicant's invention over all of the prior-art references cited by the Examiner. The Applicant respectfully submits that he has distinguished the claimed invention over each and every combination of references cited by the Examiner. As such, the Applicant submits that the references cited by the Examiner, either alone or in combination, do not anticipate or render obvious the claimed invention.

Claims 21-25, 30, 33, and 70-75 are hereby cancelled and new Claims 76-92 are hereby added in order to expedite the prosecution and allowance of the subject application.

Applicant's Declaration Under 37 C.F.R. § 1.131:

The Examiner states that Applicant's Declaration Under 37 C.F.R. § 1.131 filed 23 March 2007 is ineffective to overcome the reference, U.S. Patent No. 6,439,249 to Pan et al. The Examiner states: "As the evidence submitted consists only of drawings, there is no text to confirm that the depicted elements are connected or interact in the manner recited in the rejected claims. Such information cannot be gleaned from the drawings submitted."

The Applicant disagrees. The Applicant submits that the Examiner's characterization that the evidence consists only of drawings is incorrect. The exhibits to the Declaration are **full of text**. **There is text on every page of the inventor's notes**. Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, Exhibit O, Exhibit P, Exhibit Q, Exhibit S, Exhibit T, Exhibit U, and Exhibit V are replete with sketches, drawings, notes, typing, and all forms of **text**. The Applicant submits that these exhibits inexplicably prove, without a doubt, that the inventor had possession of the invention prior to the effective date of the Pan et al. reference. Possession of the invention is defined in MPEP 715.02 as "the basic inventive concept." A 37 CFR 1.131 declaration is not required to show every detail set forth in the specification. Furthermore, MPEP 715.02 states:

Further, a 37 CFR 1.131 affidavit is not insufficient merely because it does not show the identical disclosure of the reference(s) or the identical subject matter involved in the activity relied upon. If the affidavit contains facts showing a completion of the invention commensurate with the extent of the invention as claimed is shown in the reference or activity, the affidavit or declaration is sufficient, whether or not it is a showing of the identical disclosure of the reference or the identical subject matter involved in the activity.

The Applicant submits that the basic concept of the invention is clearly shown in the exhibits of the Declaration. Not only are the sketches and drawings almost identical to the drawings that used in the application, the inventor typed out the notes in the Declaration so that the Examiner would have no problem understanding the notes and the sketches.

It appears as though the Examiner has ignored the Applicant's statements and the exhibits regarding the Applicant's reduction to practice of the invention. The Declaration clearly shows that the Applicant had designed the invention, was working with factories, "sourcing" the project, researching components and costs, and verifying the assembly of the device. As stated in the Declaration, the Applicant submits that he reduced the invention to practice prior to the effective date of the Pan et al. reference.

With regard to the Examiner's statement that the Patent Owner has only provided conclusionary [sic] statements regarding the requirement for a showing of facts sufficient to show conception of the invention coupled with due diligence from prior to the effective date to a subsequent reduction to practice, or conception of the invention coupled with due diligence from prior to the effective date to the filing of the application, the Applicant submits that the Examiner's position is not well taken. The Applicant's dated notes, sketches, and drawings clearly establish the fact that the Applicant had possession of the basic concept of the invention prior to the effective date of the Pan et al. reference and that the Applicant worked diligently on the invention through the filing date of an application on the invention. The Applicant submits that the Declaration contains a showing of facts, in such character and weight, as to establish conception of the invention prior to the effective date coupled with due diligence from prior to the effective date to a subsequent reduction to practice or to the filing date of an application.

Because Claims 21-25, 30, 33, and 70-75 are hereby cancelled, the Examiner's rejections that relied upon the Pan et al. reference are now moot. As such, the Applicant does not need to rely upon his Declaration Under 37 C.F.R. § 1.131 filed 23 March 2007. Nevertheless, should the Examiner cite the Pan et al. reference again, or any other non-prior-art reference, the Applicant hereby reserves the right to refile the Declaration or file another Declaration Under 37 C.F.R. § 1.131.

Reference To Related Applications and Reexamination Proceeding:

Applicant once again brings to the Examiner's attention U.S. Patent Application Nos. 11/199,956 and 10/829,790 and Inter Partes Reexamination Proceeding No. 95/000,104, which is a reexamination of U.S. Patent No. 6,612,713, the parent patent to the subject application.

Applicant again notes that a second Office Action was mailed in the Reexamination Proceeding on 5 December 2006. A response was filed by the Patent Owner, i.e., the Applicant herein, on 5 February 2007. Accordingly, the Applicant is presently awaiting action by the Examiner in the Central Reexamination Unit.

The Examiner is requested to review the Office Actions in the Reexamination Proceeding, as well as the Patent Owner's Responses to the Office Actions and all other papers and references filed in the Reexamination Proceeding. If the Examiner needs copies any of the documents from the Reexamination Proceeding and/or any of the related applications, the Examiner is respectfully requested to contact the undersigned.

CONCLUSION:

In view of the foregoing amendments and remarks, the Applicant respectfully submits that the application is now condition for allowance, and earnestly solicits an early reconsideration and a Notice of Allowance.

If any extension of time is needed to maintain the pendency of the application, this is an express request for any required extension of time, and authorization to charge any required extension of time fee and/or any other fee to maintain the pendency of the application to Deposit Account No. **Deposit Account No. 502806**.

This Amendment is being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The \$525.00 Three-Month Extension Fee is being paid via a designated credit card. No other fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees that are necessary, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 50779 so that its status may be checked using the PAIR System.

Respectfully submitted,

12/10/07
Date

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